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(914) 277-5582

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(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

Victor Cannistra,
Chairman
Ronald Carpaneto
Bill Harden
Arnold Guyot
Bruce Prince
Umberto Santaroni



AGENDA

May 19, 2015
7:30 PM

SOMERS TOWN HOUSE

1. ANNMARIE LORD

BZ05/15 (CARRYOVER)

An application for Area Variances for a detached garage; to build a detached garage in the front yard; and a front yard variance, located in an R-80 Residential Zoning District at **7 South Lane, Katonah**. The property is shown on the Town Tax Map as **Section: 48.17, Block: 1, Lot: 5**. RE: Section Schedule 170:A1 – Note 2; 170:A1; and 170-11A.

2. BODO AND HELEN FISCHER

BZ06/15

A renewal application for a Special Exception Use Permit for an accessory apartment, located in an R-80 Residential Zoning District at **3 North Lane, Katonah**. The property is shown on the Town Tax Map as **Section: 48.13, Block: 1, Lot: 11**. RE: Section Schedule 170-70.

3. MAGDY AND KATHIE MAHMOUD

BZ07/15

A renewal application for a Special Exception Use Permit for an accessory apartment, located in an R-80 Residential Zoning District at **17 Frances Drive, Katonah**. The property is shown on the Town Tax Map as **Section: 38.13, Block: 2, Lot: 25**. RE: Section Schedule 170-70.

**4. GIACCHINO AND THERESA
ASTE**

BZ08/15

An application for an Area Variance for less than the required side yard set-back, located in an R-40 Residential Zoning District at **25 Hilltop Drive, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 26.19, Block: 1, Lot: 15**. RE: Section Schedule 170-A.1 of the Zoning Schedule.

**5. MICHAEL AND GINA
SOMOZA**

BZ09/15

An interpretation of a treehouse – playhouse. An application for an Area Variance for a treehouse, located in an R-80 Residential Zoning District at **2526 Route 35, Amawalk**. The property is shown on the Town Tax Map as **Section: 36.12, Block: 3, Lot: 3**. RE: Section Schedule 170-3 and 11.

3. OTHER BUSINESS

Approval of April 21, 2015 Meeting Minutes.



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

(914) 277-5582

IN THE MATTER OF THE APPEAL
OF
Annmarie Lord

B Z NUMBER *BZ05/15*
DATE: *3/18/15*

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. *Annmarie Lord*
(Name of appellant)

whose post office address is *7 South Lane, Katonah*
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of
(Name of officer)

made on
(Office held)

which ruling was filed on, and notice of such ruling was

first received by appellant on; such ruling

applicant is seeking a 3' variance for a detached garage from the existing dwelling (Zoning Schedule 170:A1 note 2); applicant is proposing to build a detached garage in the front yard (170-11A); applicant is seeking a 27' front yard variance (Zoning Schedule 170:A1)
(Give summary of ruling)

3. The property which is the subject of the appeal is located at or known as

7 South Lane, Katonah
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *48.17*, Block: *1* Lot: *5*

The interest of the appellant is that of *owner*
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

7 South Lane, Katonah
.....
.....
.....
.....

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

3' variance for a detached garage from existing dwelling; build a detached garage in front yard; and ~ 7' front yard variance
.....
.....

and such may be granted pursuant to Zoning Schedule 170:A1 - Notes, Zoning Schedule 170:A1 and 170-11A.

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

DENISE SCHIRMER
Notary Public State of New York
No. DISC6298242
Qualified in Dutchess County
Commission Expires March 10, 2018

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 19th DAY March 2015

Denise E. Schirmer
NOTARY SIGNATURE

Armanee Zard
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

[Signature]
APPLICANT SIGNATURE



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589
(914) 277-5582

IN THE MATTER OF THE APPEAL
OF
Bodo + Helen Fischer

B Z NUMBER **B206/15**
DATE: **5/4/15**

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. **Bodo Fischer**
(Name of appellant)

whose post office address is **3 North Lane, Katonah**
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is **3 North Lane, Katonah**
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of **renewal**
(Name of officer)

..... made on
(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on

.....; such ruling
applicant is seeking renewal of a
(Give summary of ruling)
**Special Exception Use Permit for
an existing accessory apartment
within a single family dwelling
located in an R-80 Residential
Zone**

Re: Section Schedule 170-70

3. The property which is the subject of the appeal is located at or known as

3 North Lane, Katonah and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: **48.13** Block: **1** Lot: **11**

The interest of the appellant is that of **the owner**
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

3 North Lane, Katonah

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

Renewal of Special Exception Use Permit

and such may be granted pursuant to Section 170-70

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2018

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 9th DAY April 20 15

Denise E. Schirmer
NOTARY SIGNATURE

Bob T. ...
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

Bob T. ...
APPLICANT SIGNATURE



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589
(914) 277-5582

IN THE MATTER OF THE APPEAL
OF
Magdy + Kathie Mahmoud

B Z NUMBER BZ07/15
DATE: 5/4/15

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. Kathie Mahmoud
(Name of appellant)

whose post office address is 17 Frances Drive, Katonah
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of
(Name of officer)

..... made on
(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on

.....; such ruling
applicant is seeking renewal of a
(Give summary of ruling)
Special Exception Use Permit for
an existing accessory apartment
within a single family dwelling
located in an R-80 Residential
Zone
Re: Section Schedule 170-70

3. The property which is the subject of the appeal is located at or known as

....., and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 38.13, Block: 2 Lot: 25

The interest of the appellant is that of the owner
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, permit or special permit. (Strike out wording not applicable.)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

Renewal of Special Exception Use Permit

and such may be granted pursuant to Section 170-70

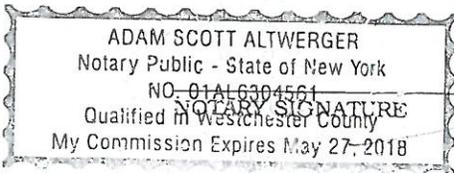
(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 16th DAY April 20 15

Adam Scott Altwerger (Notary Signature) Karla Walker (Owner Signature)



APPLICANT SIGNATURE



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

(914) 277-5582

IN THE MATTER OF THE APPEAL
OF

Giacchino + Theresa Aste

B Z NUMBER: BZ08/15
DATE: 5/7/15

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. Giacchino and Theresa Aste
(Name of appellant)

whose post office address is 25 Hilltop Drive, Yorktown Heights, NY 10598
(Post office address)

through Christine MacDonald
(Name of attorney or representative if any)

whose post office address is 2 James Way, Granite Springs NY 10527
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of E. Frank Citarella
(Name of officer)

Building Inspector made on May 7, 2015
(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

an application for an Area Variance for less than the required side yard set-back, located in an R-40 Residential Zoning District

3. The property which is the subject of the appeal is located at or known as 25 Hilltop Drive, Yorktown Heights
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 26.19, Block: 1, Lot: 15

The interest of the appellant is that of Giacchino + Theresa Aste
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5. (Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

25 Hilltop Drive, Yorktown Heights

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

Side yard area variance

and such may be granted pursuant to 170 - A.1

Zoning Schedule - Part 1

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298742
Qualified in Dutchess County
Commission Expires March 10, 2018

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 7th DAY May 2015

NOTARY SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

Christina MacDonald
APPLICANT SIGNATURE



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

(914) 277-5582

IN THE MATTER OF THE APPEAL
OF

Michael and Gina Somoza

B Z NUMBER BZ 09/15
DATE: 5/4/15

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. Michael Somoza and Gina Somoza
(Name of appellant)

whose post office address is 2526 Amawalk Road Route 35, Amawalk New York 10501
(Post office address)

through _____
(Name of attorney or representative if any)

whose post office address is _____
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of Efrem Citarella
(Name of officer)

Somers Building Inspector
(Office held), made on _____

which ruling was filed on _____, and notice of such ruling was
first received by appellant on December 29, 2014; such ruling

charged with building a tree house (play house) that is 1'8" from property line not meeting.
(Give summary of ruling)

the required setback of 15' in violation of chapter 170-11.8 of the Town of Somers Code...
R-80 Residential Zone

3. The property which is the subject of the appeal is located at or known as 2526
Amawalk Road, Route 35, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 36.12, Block: 3, Lot: 3

The interest of the appellant is that of Owner
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as
2526 Amawalk Road route 35, Amawalk New York 10501

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

We seek s determination that 1). The building Inspectors ruling is erroneous pursuant to
170-11B(8) there is no mention of tree house in the statute and no building permit is required for
tree houses pursuant to 74-4 . 2). Should the board find that the building inspector's ruling
was not erroneous then in alternative we are seeking a variance

and such may be granted pursuant to.....170-110

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

There are practical difficulties: Relocating the tree house is impossible since there are no other suitable trees on the property. No other avenue of redress exists for keeping the tree house other then requesting a variance. It would be unnecessary hardship to require us to remove the tree house since the tree house has been situated in the same trees for 8 years . There will be no undesirable change to the character of the neighborhood or nearby properties if the area variance is granted, nor will the proposed variance have any effect or impact on the physical or environmental conditions in the neighborhood or district. While the variance is substantial in that the tree house is 1' 8" from the property line, the tree house has existed for 8 years and the distance from the neighbor's house is so substantial so that it does not impact him negatively. While the alleged difficulty is self created,the tree house was built at the suggestion of the building inspector and in reliance upon determination that a building permit was not necessary since tree houses are not mentioned in the town code. No mention or discussion of set-back requirements was made at that time by the building inspector.

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2015

Both applicant and owner must sign
if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The
Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 25th DAY March 20 15

Denise E. Schirmer
NOTARY SIGNATURE

Nicholas D Songz
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

Nicholas D Songz
APPLICANT SIGNATURE